

REMARKS/ARGUMENTS

Claims 25 - 31 remain in this application. Claims 1-24 have been withdrawn as the result of an earlier restriction requirement. No claims have been added.

In view of the Examiner's earlier restriction requirement, Applicant retains the right to present claims 1-24 in a divisional application.

Claim Rejections – 35 USC Section 103

The Examiner has rejected claims 25 and 31 under 35 USC 103 as being unpatentable over Losada (US 6,273,316) in view of Olvera et al. (US 5,918,789). Critically, the Examiner states that Olvera “teaches a track having a curved cross-section as shown in Figures 2-5, conforming with the shape of a fastener.”

Applicant disagrees. The cross-section of the track (200) of Olvera does not conform to the shape of the fastener (2), in particular the curved portion referred to by the Examiner. “The top side 221 of the elongated body member 208 has a concave surface” (Column 7, lines 65-67, US 5,918,789) directly above the *flat* top surface (8) of the fastener head (6). This is not conformity. In the present invention, the track curves where the plate curves. In Olvera, the track curves where the fastener does not.

Applicant believes claims 25 and 31 are allowable over the prior art cited by the Examiner.

The Examiner has rejected claim 30 under 35 USC 103 as being unpatentable over

Losada (US 6,273,316). The Examiner states that “it would have been obvious engineering design choice to one skilled in the art at the time of the invention to modify the bending radius of the curved plate as desired in order to be accommodated in the track with less interference.” The Examiner has, however, ignored the following limitation of claim 30: “a track adapted to receive the curved plate, the track shaped to conform with the curved shape of the plate.” The fact that this is not taught by Losada is confirmed by the Examiner’s attempt to find such a teaching in Olvera. As argued above, Olvera fails to teach a “track shaped to conform with the curved shape of the plate.”

Applicant believes claim 30 is allowable over the prior art cited by the Examiner.

Allowable Subject Matter

The Examiner has indicated that claims 26 through 29 are allowable.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
LAW OFFICES OF JAMES R. CYPHER

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By /s/ Charles R. Cypher/
Charles R. Cypher
Reg. No. 41,694
Tel.: (510) 832-4111